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PATENT APPLICATION  
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Hereby certify that this transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 via Label No. EV166728335US, on July 15, 2003, addressed to:  
MAIL STOP: PCT Legal Administration (Petitions)  
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Alexandria, VA 22313-1450

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International Division

on July 15, 2003

*Annette M. Turk*

Annette M. Turk, Paralegal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/308,150  
Applicant : Van Venverooij, et al.  
Int. Filing Date: 14 November 1997  
Title : PEPTIDE DERIVED FROM DETECTING AUTOIMMUNE ANTIBODIES FROM PATIENTS WITH RHEOMATOID ARTHRITIS, ANTIBODY DIRECTED AGAINST SAID PEPTIDE, A BOMBINATORIAL ANTIGEN, AND A METHOD OF DETECTING AUTO-IMMUNE ANTIBODIES  
  
TC/A.U. : 1644  
Examiner : Amy M. DeCLOUX  
  
Docket No. : 30394-1027  
Confirmation No. : 5796

**Mail Stop: PCT LEGAL ADMINISTRATION (PETITIONS)**  
Commissioner for Patents  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL PETITION DECISION RESPONSE**

Dear Sir:

In further response to the Decision on Petition Under 37 CFR 1.47(a), the undersigned provides the attached copy of the signed Declaration and Power of Attorney of inventor, Gerardus Antonius Schellekens. It is noted that the Declaration has been witnessed and ribboned as a single document including the Assignment of Invention Rights. The original ribboned document will be filed of record in the

referenced application with a response to the pending office action. A copy of the ribboned document has been forwarded to the Assignment Branch for recording.

By way of further response, Applicants state that when the application was filed in 1999, a dispute then existed between the inventor Schellekens and the remaining inventors and the assignees, as shown in the declaration submitted by Dr. van Venrooij in 1999. While the decision on Petition in 2003 indicates a more recent correspondence address for inventor Schellekens, there is no suggestion that the address given in 1999 was then erroneous. Indeed, the declaration states that the declarant, Dr. van Venrooij personally contacted inventor Schellekens, and personally asked him to sign. He caused a letter to be delivered; further proof exists by way of Dr. van Venrooij's testimony that the documents were returned unsigned together with a letter from inventor Schellekens indicating "an absolute refusal to sign." This is more than sufficient proof to establish all the requirements of 37 CFR § 1.47(a).

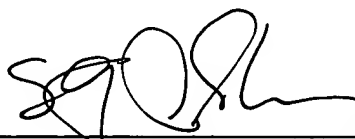
In any event, as a result of a judicial proceeding in the Netherlands, inventor Schellekens has now executed the Declaration for Patent Application. Thus, given this resolution, the issue raised by the *sua sponte* reconsideration of the Notice of Acceptance is now moot. Accordingly, applicants submit that the Decision on Petition should be withdrawn, the Declaration for Patent Application accepted, and the case allowed to continue in prosecution.

A Petition for Extension of Time accompanies this response. The fee for a one-month extension of time and any other fees deemed appropriate are authorized for deduction from Deposit Account No. 13-4213.

Respectfully submitted,

Date: July 15, 2003

By:



Stephen A. Slusher, Reg. No. 43,924  
Direct line: (505) 998-6130

PEACOCK, MYERS & ADAMS, P.C.  
Attorneys for Applicant(s)

Application No. 09/308,150

P.O. Box 26927  
Albuquerque, New Mexico 87125-6927

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**Customer No. 005179**

[G:\AMDS\Los&Stig\VanVenrooij-SuppResponse.PET.doc] 30394-1027

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ASSIGNMENT OF INVENTION AND PATENT RIGHTS

Inventors:

WALTHERUS JACOBUS WILHELMUS VAN VENROOIJ  
GERARDUS ANTONIUS SCHELLEKENS  
JOZEF MARIA HENDRIK RAATS  
RENE MICHAEL ANTONIUS HOET

Serial No.: 10/308,150

Filing Date: September 30, 1999

For valuable consideration received or to be received, and hereby acknowledged, GERARDUS ANTONIUS SCHELLEKENS of Tondelooos 36, 5231 WB Den Bosch, the Netherlands, (hereinafter referred to as "Inventor"), hereby sells, assigns and transfers unto STICHTING VOOR DE TECHNISCHE WETENSCHAPPEN of Van Vollenhovenlaan 661, 3527 JP Utrecht, the Netherlands, its successors and assigns (hereinafter referred to as "Assignee") (it being understood that Assignee has obtained such ownership interest under Dutch law pursuant to an acquisition of rights held by the prior employer of Inventor, Nederlandse Organisatie voor wetenschappelijk Onderzoek), the entire interest for the United States of America, including all rights of priority under the international conventions and treaties, in and to a certain invention or improvement known as *Peptide Derived from an Antigen Recognized by Autoantibodies from Patients with Rheumatoid Arthritis, Antibody Directed Against Said Peptide, A Combinatorial Antigen and A Method of Detecting Auto-Immune Antibodies*, and described in an application filed in the United States Patent and Trademark Office on September 30, 1999, as Attorney Docket No. 30394-1027, and given U.S. Patent Application Serial No. 10/308,150, which claims priority of International Application Serial No. PCT/NL97/00624 filed November 14, 1997, for Dutch Patent Application Serial No. 1004539 filed November 15, 1998, and in all Letters Patent of the United States which may or shall be granted on said invention, or any parts thereof, or on said application, or on any provisional, utility, divisional, continuing, continuation-in-part, reissue, reexamination or other applications based in whole or in part thereon. And Inventor agrees hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper in Assignee's sole discretion to secure to Assignee the grant of Letters Patent in the United States as Assignee may determine in its sole discretion, with specifications and claims in such form as shall be approved by

Assignee's counsel, and to vest and confirm in Assignee the legal and equitable title and full use and benefit of all such patents.

This assignment is limited solely to an assignment of rights for the United States of America, and is not to be used in any litigation, proceeding or legal action in any other country, including The Netherlands, or in the United States other than as to ownership of the subject Letters Patent.

Inventor hereby authorizes and requests the Director of the United States Patent and Trademark Office, to issue such Letters Patent as shall be granted on said application or applications based thereon to Assignee.

DATED this 2 day of July, 2003.

  
Gerardus Antonius Schellekens

APOSTILE

(Convention de La Haye Du October 5, 1961)

Country: The Netherlands

This public document has been signed by Gerardus Antonius Schellekens, acting in his own behalf in the capacity of inventor/assignor, bears the seal/stamp of

\_\_\_\_\_  
Name of Notary Public

Certified

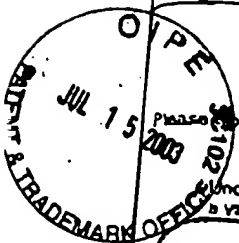
at \_\_\_\_\_ by  
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(name of Notary Public), Seal/Stamp  
No. \_\_\_\_\_

[SEAL/STAMP]

\_\_\_\_\_  
Signature, Notary Public

[G:\ASIGN\Los & Sigter-Van Venrooy-Schellekens\_BSN-rav.doc]





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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> <b>(37 CFR 1.63)</b>	Attorney Docket Number	30394-1027
	First Named Inventor	Van Venrooij
	<b>COMPLETE IF KNOWN</b>	
	Application Number	09 / 308,150
	Filing Date	13 May 1999
	Group Art Unit	1644
<input type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Examiner Name	A.M. DeCloux

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PEPTIDE DERIVED FROM AN ANTIGEN RECOGNIZED BY AUTOANTIBODIES FROM PATIENTS WITH RHEUMATOID ARTHRITIS, ANTIBODY DIRECTED AGAINST SAID PEPTIDE, A COMBINATORIAL ANTIGEN AND A METHOD OF DETECTING AUTO-IMMUNE ANTIBODIES**

the specification of which

☐ is attached hereto  
OR

☒ was filed on (MM/DD/YYYY) **November 14 1997**

as United States Application Number or PCT International

Application Number **PCT/NL97/00624** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
PCT/NL97/00624 NL 1004539	Netherlands		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES NO <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date (MM/DD/YYYY)

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

US.III, page 2

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PTO/SB/01 (12-97)

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**DECLARATION — Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which becomes available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent  
NumberParent Filing Date  
(MM/DD/YYYY)Parent Patent Number  
(if applicable)
☐ Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number **005179**

OR

☒ Registered practitioner(s) name/registration number listed below

 Place Customer  
Number Bar Code  
Label here

Name

Registration  
Number

Name

Registration  
Number

Jeffrey D. Myers

35,964

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

 Direct all correspondence to: ☒ Customer Number **005179**  
or Bar Code Label
OR ☐ Correspondence address below

Name

Jeffrey D. Myers

Address

PEACOCK, MYERS &amp; ADAMS

Address

Post Office Box 26927

City

Albuquerque

State

NM

ZIP

87125-6927

Country

US

998-1500

Fax

(505) 243-2542

I hereby declare that all statements made herein are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

handtekening  
de heer Van Rooij
☐ A petition has been filed for this unsigned inventor

Given Name (first and middle if any)

Family Name or Surname

WALTHERUS JACOBUS WILHELMUS

VAN VENROOIJ

Inventor's  
Signature

Date

Residence: City

Nijmegen

State

Country

Netherlands

Citizenship

Dutch

Post Office Address

Elcomoraweg 16

Post Office Address

NL-6523 XV

City

Nijmegen

State

ZIP

Country

Netherlands

☒ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

US

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Annex US.III. page 3



PTO/SB/02A (3-97)

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DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
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Name of Additional Joint Inventor, if any: <i>handtekening de heer</i> <input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))	Family Name or Surname
GERARDUS ANTONIUS	SCELLEKENS
Inventor's Signature	Date
<i>[Signature]</i>	July 12 2003 <i>datum!</i>
Residence: City	State Country Citizenship
Den Bosch	Netherlands Dutch
Post Office Address	
Tondeldoos 36	
Post Office Address	
[Redacted]	
City	State ZIP Country
5231 NB Den Bosch	Netherlands
Name of Additional Joint Inventor, if any: <i>handtekening de heer</i> <input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))	Family Name or Surname
JOZEP MARIA HENDRIK	RAATS
Inventor's Signature	Date
<i>[Signature]</i>	<i>datum!</i>
Residence: City	State Country Citizenship
Nijmegen	Netherlands Dutch
Post Office Address	
Van Niemebroeckstraat 65	
Post Office Address	
NL-6512 BA	
City	State ZIP Country
Nijmegen	Netherlands
Name of Additional Joint Inventor, if any: <i>handtekening de heer</i> <input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))	Family Name or Surname
RENE MICHAEL ANTONIUS	BOET
Inventor's Signature	Date
<i>[Signature]</i>	<i>datum!</i>
Residence: City	State Country Citizenship
Nijmegen	Netherlands Dutch
Post Office Address	
Weezenhof 35 - 40	
Post Office Address	
NL 6536 RB	
City	State ZIP Country
Nijmegen	Netherlands

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Visto para La Legalización de la Firma de:  
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par moi-même, notaire, aujourd'hui le  
von dem unterzeichneten Notar anerkannt ist, heute der  
por mí, Notario Público, hoy el

*2 juli 2003*



*[Large handwritten signature]*

# APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: THE NETHERLANDS

This public document

2. has been signed by J.G. Gräber

3. acting in the capacity civil law notary

4. bears the stamp of J.G. Gräber

Certified

5. at 's-Hertogenbosch 6. 2<sup>nd</sup> July 2003

7. by the register of the court

rechtbank 's-Hertogenbosch

8. No. 1895

10. Signature

9. Stamp

M. Mulders



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